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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/372,371 08/11/99 PAULSON

R 2351-006

EXAMINER

IM52/0411

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SAN DIEGO CA 92101

HAMILIN, D.

ART UNIT

PAPER NUMBER

1751

DATE MAILED:

04/11/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/372,371

Applicant(s)
R. V. Paulson et.al.

Examiner
Derrick G. Hamlin

Group Art Unit
1751



☒ Responsive to communication(s) filed on Aug 11, 1999

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-26 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 14 are both drawn to compositions, however they appear to be drawn to an article of manufacture because they contain a composition on a substrate. The structural relationship is not clear from the claims. It is not clear if the material is a layer on one side of the material, if the entire substrate is coated, if the product is coated particles or if the substrate particles are contained within a dye. Furthermore, it is the examiners position that any opaque or non-transparent dye or paint that ablates electrical energy would inherently block electromagnetic waves. Is the composition transparent and is it colorless? Further clarification is needed.

Additionally, several claims make reference to an "IR" material. This should be changed to infrared.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Evaluations of level of ordinary skill in the art requires consideration of factors such as various prior art approaches employed, types of problems encountered in the art, rapidity with which innovations are made, sophistication of technology involved, educational background of those actively working in the field, commercial success, failure of others, and the inventor's educational level.

The "person having ordinary skill" in this art has the capability of understanding the scientific and engineering principles applicable to the claimed invention. The references of record in this case reasonably reflect this level of skill.

3. Claims 1-8, 11, 13-15, 16-20, 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (4,631,214).

Hasegawa discloses a transparent electromagnetic shielding material comprising a black electroconductive synthetic fiber gauze embedded in a molded synthetic resin body (abstract). The reference teaches that the material may be arc resistant and contain colorants and ultraviolet absorbers (col. 3, lines 46 and 66-69). The reference also teaches that the material may contain a cellulose ester, acrylic resin be arc resistant and colorants and ultraviolet absorb infrared light rays (col. 3, lines 46 and 66-69). (col. 5, lines 6-11). The reference also teaches that the dye is a non-oxidation is required (col.7, lines 26-43). The reference also teaches that the gauze material is blackened with a material such as chromium black or black nickel (col. 5, lines 25-32).

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The reference fails to disclose an example that ablates electrical energy. Nor does the reference teach a material that absorbs in the visible and infrared region (claim 1) nor does the reference teach the use of an optical dye (claims 14 and 25).

Although the reference fails to disclose an example that ablates electrical energy, it clearly teaches that the composition may contain a material making it arc resistant. Though, specific absorption regions are not disclosed the reference teaches that colorants may be used. If the black gauze does not absorb all the instantly claimed regions, any non-light transmitting colorant can be added. It would have been obvious to one of ordinary skill in the art to make the instantly claimed composition in view of Hasegawa, since this reference discloses a transparent electromagnetic shielding material comprising a black electroconductive synthetic fiber gauze

In view of the forgoing, the above claims have failed to be patently distinguishable over prior art.

The remaining references listed on forms 892 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick G. Hamlin whose telephone number is (703) 305-0590. The examiner can normally be reached on Monday-Friday from 7:30 AM - 4:00 PM.

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If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 305-3600.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Derrick G. Hamlin

April 8, 2001


Mark Kopec
Primary Examiner